

REMARKS

The present application was filed on December 3, 1999 with claims 1-46. The present application claims priority to a provisional application filed April 29, 1999.

Claims 1-46 are currently pending in the application. Claims 1, 8, 19, 25, 32 and 43 are the independent claims.

In the Office Action, the Examiner rejected claims 1-8, 13-21, 25-32 and 37-45 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,360,200 (hereinafter "Edler"), rejected claims 9-12 and 33-36 under 35 U.S.C. §103(a) as being unpatentable over Edler in view of U.S. Patent No. 6,353,637 (hereinafter "Mansour") or U.S. Patent No. 5,832,379 (hereinafter "Mallinckrodt"), and rejected claims 22-24 and 46 under §103(a) as being unpatentable over Edler in view of allegedly admitted prior art.

In this response, Applicants address the drawing objection, and traverse the §102(e) and §103(a) rejections. Applicants respectfully request reconsideration of the present application in view of the following remarks.

With regard to the objection to the drawings, Applicants submit formal drawings herewith. The formal drawings are believed to overcome the objection. The formal drawings should therefore be accepted and the objection withdrawn.

With regard to the §103(a) rejection over Edler in view of Mansour, Applicants respectfully traverse on the ground that the Mansour reference is not available as a prior art reference against the present application for a rejection under §103(a).

More specifically, the present application, as an application filed on or after November 29, 1999, is entitled to the benefit of 35 U.S.C. §103(c). Also, the subject matter of the Mansour reference and the claimed invention of the present application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely, Lucent Technologies Inc.

Applicants note that an assignment of the corresponding Mansour application to Lucent Technologies Inc. was recorded in the U.S. Patent and Trademark Office on May 24, 1999, at Reel 009988, Frame 0335. An assignment of the present application to Lucent Technologies Inc. was

recorded in the U.S. Patent and Trademark Office on December 3, 1999 at Reel 010448, Frame 0331.

Applicants respectfully submit that the Mansour reference, which issued subsequent to the effective filing date of the present application, is not available as a prior art reference against the present application for a §103(a) rejection. The §103(a) rejection of claims 9-12 and 33-36 over Edler in view of Mansour is therefore believed to be improper, and should be withdrawn.

With regard to the §102(e) rejection, Applicants note that the Manual of Patent Examining Procedure (MPEP), Eight Edition, August 2001, §2131, specifies that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

For the reasons identified below, Applicants submit that the Examiner has failed to establish anticipation of at least independent claims 1, 8, 19, 25, 32 and 43 by the Edler reference.

Each of independent claims 1, 8, 19, 25, 32 and 43 includes limitations relating to the communication of first and second representations of a signal that includes a first component and a second component. The first representation contains first information concerning at least the first component, and second information concerning at least one coefficient for predicting the second component based on the first information. The second representation contains third information concerning at least the second component, and fourth information concerning at least one coefficient for predicting the first component based on the third information.

In an example of an illustrative embodiment of the invention falling within the above-noted limitations, the first and second representations are referred to as D1 and D2 representations, respectively. The D1 representation in this embodiment contains: (i) information concerning a left channel signal L of an analog stereo audio signal, and (ii) parametric information concerning a right channel signal R of the analog stereo audio signal. The D2 representation in this embodiment contains: (i) information concerning R, and (ii) parametric information concerning L. See the

specification at, for example, page 5, line 24 to page 6, line 25. It should be noted that this example is presented herein in order to illustrate one possible embodiment of the invention that falls within the above-noted claim limitations. Applicants are not suggesting that any of the claims include as limitations the particular features of this illustrative embodiment.

Applicants respectfully submit that the Edler reference fails to teach or suggest the above-noted limitations of the independent claims relating to first and second representations of a signal that includes a first component and a second component.

The Examiner in formulating the §102(e) rejection argues that a dual-channel stereo version of the Edler encoding system utilizing predictor circuit 43 of FIG. 1 meets these limitations. More particularly, the Examiner in effect argues that the first and second components of the signal referred to in the claims correspond to the respective left and right channel signals  $x_l(n)$  and  $x_r(n)$  in FIG. 1a of Edler, and that the first and second representations of the signal correspond to the respective prediction error signals  $\tilde{e}_l(n)$  and  $\tilde{e}_r(n)$  at the output of the encoder in FIG. 1a.

However, even if one assumes for purposes of argument that this is the case, other aspects of the claim limitations are not met. For example, the prediction error signal  $\tilde{e}_l(n)$  in FIG. 1a is not described in Edler as containing separately-identifiable pieces of information, namely, first information concerning at least the first component and second information concerning at least one coefficient for predicting the second component based on the first information. Applicants submit that there is no such separately-identifiable first and second information in the prediction error signal  $\tilde{e}_l(n)$ . Similarly, the prediction error signal  $\tilde{e}_r(n)$  in FIG. 1a is not described in Edler as containing separately-identifiable pieces of information, namely, third information concerning at least the second component, and fourth information concerning at least one coefficient for predicting the first component based on the third information. Again, Applicants submit that there is no such separately-identifiable third and fourth information in the prediction error signal  $\tilde{e}_r(n)$ .

The position of Applicants as outlined above is made further apparent from the fact that the prediction error signals  $\tilde{e}_l(n)$  and  $\tilde{e}_r(n)$  in FIG. 1a of Edler are not denoted therein as vectors, but

are instead apparently one-dimensional signals, each having only a single identifiable information component for a given instance of the sampling time  $n$ .

In view of the foregoing, Applicants respectfully submit that Edler fails teach or suggest each and every element of each of the independent claims, in as complete detail as is contained in those claims, as is required by MPEP §2131.

Since Edler fails to teach or suggest the limitations of each of independent claims 1, 8, 19, 25, 32 and 43, these claims are not anticipated by Edler.

The Mallinckrodt reference and the allegedly admitted prior art fail to supplement the above-noted fundamental deficiencies of Edler as applied to the independent claims.

Dependent claims 2-7, 9-18, 20-24, 26-31, 33-42 and 44-46 are believed allowable at least by virtue of their dependence from their respective independent claims. One or more of these claims are also believed to define additional separately-patentable subject matter relative to Edler and the other art of record, taken singly or in combination.

In view of the above, Applicants believe that claims 1-46 are in condition for allowance, and respectfully request withdrawal of the §102(e) and §103(a) rejections.

Respectfully submitted,



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